

diseases. I believe it has the support of everyone.

Unless there is further discussion on this, I would inquire of the Senator from Wyoming what procedure he would like to follow with respect to moving on to additional amendments and call for votes since I doubt that this would need a vote.

Mr. SIMPSON. Mr. President, it would be a wonderful opportunity to do something, but I will not. Senator KENNEDY is absent from the Chamber.

I understand that Senator SIMON will be here to deal with the issues that might arise if we can do some further business. But I believe, if I heard what transpired, we might adopt the amendment, and we will then have a quorum call until a Member of the Democratic Party is here.

Mr. KYL. I thank the Senator.

Mr. President I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. KYL. I will not call for the yeas and nays.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3735) was agreed to.

Mr. SIMPSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

THE APPROPRIATIONS PROCESS WORKS

Mr. DOLE. Mr. President, late this afternoon the conference committee on the five major appropriations bills had a breakthrough and reached an agreement. I want to reinforce what has been said by other Members of leadership and by Chairman HATFIELD, Chairman LIVINGSTON on the House side, and their Democratic counterparts.

In my view, after a long, long difficult process, I believe we have a package that can be supported by hopefully nearly everybody on both sides of the aisle. Some will complain the cuts are not deep enough. Others are going to complain the cuts go too far. But I believe that in the final analysis we will save about \$23 billion over the last fiscal year through the appropriations process. That is very significant. That is a lot of money.

That is an indication that the appropriations process has worked and we

can make reductions, the Government can continue even though we make reductions. Many of us hoped we could do better.

There are also a number of environmental issues that were resolved to the satisfaction, I believe, of most everyone in the conference. Some will be raised again on subsequent appropriations bills. But I wanted to take a moment to thank all those who were involved in the negotiations and all those who were willing to give and take so that this matter could be resolved and get it behind us.

It is time to move on to 1997 appropriations. We look forward to that. We hope we can pass all the appropriations bills by August 1 of this year. So keep in mind, we will take this up tomorrow. The House will act first. We hope to dispose of it before we go out tomorrow evening. We need to dispose of it before we go out tomorrow evening. But the bottom line is, according to those who have been keeping track of the numbers, we will save \$23 billion this fiscal year because of the appropriators and the appropriations process and their good work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 3737 TO AMENDMENT NO. 3725

(Purpose: To establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed)

Mr. COVERDELL. Mr. President, I send a second-degree amendment to the pending amendment to the desk on behalf of the majority leader and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] for himself and Mr. DOLE proposes an amendment numbered 3737 to amendment 3725.

Mr. COVERDELL. Mr. President, I ask unanimous-consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. . EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

“(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

“(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

“(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

“(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

“(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.”.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

“(47) The term ‘crime of domestic’ means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

“(48) The term ‘protection order’ means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.”.

(c) This section will become effective one day after the date of enactment of the Act.

Mr. COVERDELL. Mr. President, aliens are deportable for criminal offenses under section 241(a)(2) under four broad headings: General crime, controlled substances, certain firearm offenses, and miscellaneous crimes. This proposed amendment to S. 1664 creates two new headings: Domestic violence, violation of a protection order, crimes against children, and stalking. The other heading, crimes of sexual violence.

We are adding as offenses for grounds for deportation, the following offenses: Conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child neglect, or child abandonment; conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

Mr. President, while some of these offenses may be deportable under existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily covered. Uniformity is also a problem. Whether a crime is one of

moral turpitude is a question of State law and thus varies from State to State. An offense may be deportable in one State and not deportable in another. Misdemeanor offenses would not be covered under existing law.

Mr. President, under our amendment, stalkers would be deportable on their first offense. The second offense may be too late for their victims, who could well be injured or dead as a result.

Mr. President, it is estimated that over 200,000 women are stalked each year in the United States. Approximately 5 percent of all women will be stalked at some time in their lives. Investigations by State child protective service agencies in 48 States determined that 1.12 million children were victims of child abuse and neglect in 1994. This represents a 27 percent increase since 1990 when approximately 800,000 children were found to be victims of maltreatment.

Among the children, Mr. President, for whom maltreatment was substantiated or indicated in 1994, 53 percent suffered neglect, 26 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent medical neglect.

Mr. President, this is a good amendment. Mr. President, this will protect women and children in our society. As I said, it will have a very positive affect on the ability to deport an alien involved with these offenses that we are adding through these two new headings.

I yield the floor.

Mr. DOLE. Mr. President, under Title 8 of the U.S. Code, a number of criminal offenses are deemed deportable offenses. However, although aliens are deportable for criminal offenses, there are a number of crimes that should be grounds for deportation that are left unaddressed; and the wording of the statute itself uses vague language like crimes of moral turpitude that lack the certainty we should desire.

The amendment offered by Senator COVERDELL and myself seeks to remedy this problem by making clear that our society will not tolerate crimes against women and children. The criminal law should be a reflection of the best of our values, and it is important that we not only send a message that we will protect our citizens against these assaults, but that we back it up as well.

Under our amendment, certain criminal offenses would be grounds for deportation. These offenses include: conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child neglect, or child abandonment, and conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

CRIMES OF DOMESTIC VIOLENCE

Adding these additional and specified categories of offenses closes the existing loopholes. Many crimes, ranging

from simple assault to murder can be committed in a domestic violence context. Simple assault or assault and battery are not necessarily going to be interpreted as crimes of moral turpitude. Yet, because they may not otherwise fall within the other definitions—such as an aggravated felony—of deportable offenses, an alien convicted of such a crime might not be deported.

Our amendment would cover all convictions for domestic violence offenses, including those for which a sentence of less than 1 year is available.

VIOLATION OF A PROTECTIVE ORDER

In many States, protective orders in domestic violence situations have been ineffective due to problems with enforceability and insufficient penalties for violations. This is undoubtedly one reason all 50 States have passed anti-stalking legislation.

Greater attention to the problem has influenced a number of States to make violation of a protective order a separate criminal offense. However, making violation of a protective order a grounds for deportation will put more teeth into such an order.

The amendment does not require a conviction of violating protection order and thus would cover violations even in States where violating an order is not a separate criminal offense. This is an important loophole that must be closed.

STALKING

It is long past time to stop the vicious act of stalking in our country. We cannot prevent in every case the often justified fear that too often haunts our citizens. But we can make sure that any alien that commits such an act we no longer remain within our borders.

It is estimated that over 200,000 women are stalked each year in the United States. Approximately 5 percent of all women will be stalked at some point in their lives. Stalking behavior often leads to violence which may result in the serious injury or death of stalking victims.

Stalkers often repeat their stalking behavior and escalate to violence. Of all the women killed in the United States by husbands or boyfriends, 90 percent were stalked before being murdered.

But since stalking laws are fairly new, they may not be defined as crimes of moral turpitude in many States—they thus may not be covered by existing law. Similarly, in many States, the maximum penalty for stalking is less than 1 year—which strikes me as far too little—and therefore an alien may be convicted of a stalking offense and yet not be deported.

We can't wait for stalkers to strike a second time. Let's deport them the first time.

Mr. President, we face the same kinds of problems with existing law when we confront other crimes against women and children. While some of these offenses may be deportable under the existing headings of crimes of

moral turpitude or aggravated felony, they are not necessarily and always covered. They should be.

Uniformity is also a problem. Whether a crime is one of moral turpitude is a question of State law and thus varies from State to State. An offense may be deportable in one State and not deportable in another.

Mr. President, America already bears a horrendous burden when it comes to the level of violence among our citizens. It is not asking too much that we insist that we treat crimes against women and children as seriously as we do other offenses. Nor should we have to wait for that last violent act. When someone is an alien and has already shown a predisposition toward violence against women and children, we should get rid of them the first time. We owe that much to our citizens.

Mr. SIMON. Mr. President, I was just shown this amendment a few minutes ago by Senator COVERDELL and Senator DOLE. I have every reason to believe that we can work out, if not this specific language, some modification to do this. I commend my colleague from Georgia for the amendment.

I ask, and we have an understanding on this, I ask unanimous consent that it be set aside until tomorrow.

Mr. COVERDELL. Mr. President, I also acknowledge that the Senator from Illinois has only had a brief moment to scan the outline of the amendment. We understand that and have agreed to set it aside so there is a more appropriate period of time for his side to view the contents of the amendment.

The PRESIDING OFFICER. The amendment is laid aside.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

YANKEE FOUNDATION

Mr. PRESSLER. Mr. President, on April 10, 1996, the New York Yankees baseball organization held its annual homecoming dinner. This year's dinner raised money for the Yankee Foundation, and paid special tribute to one of the Yankees' and indeed one of pro baseball's great players, the late Mickey Mantle. Former and current Yankees along with their friends and family will be on hand.

The Yankee Foundation raises money for youth programs and youth organizations throughout the Greater New York City area. The Yankees' principal owner George Steinbrenner presented the traditional "Pride of the Yankees" award to Mr. James M. Benson, president and chief operating officer of the Equitable Life Insurance Society. Mr. Benson received this honor